

# EXHIBIT 13

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE: TERRORIST ATTACKS ) 03-MDL-1570 (GBD) (SN)  
ON SEPTEMBER 11, 2001 )  
)

— — —

Tuesday, July 13, 2021

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CONFIDENTIAL MATERIAL

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Remote video-recorded deposition of JONATHAN M.  
WINER, held at the location of the witness,  
commencing at 10:04 a.m., on the above date, before  
Debra A. Dibble, Certified Court Reporter,  
Registered Diplomate Reporter, Certified Realtime  
Captioner, Certified Realtime Reporter and Notary  
Public.

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P R O C E E D I N G S

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July 13, 2021, 10:04 a.m. EDT

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THE VIDEOGRAPHER: We are now on the

6

record. My name is David Lane. I'm the

7

videographer for Golkow Litigation Services.

8

Today's date is July 13, 2021, and our time is

9

10:04 a.m. Eastern Standard Time.

10

This remote video deposition is being

11

held in the matter of the terrorist attacks on

12

September 11th, 2001. Our deponent today is

13

John Winer. All parties to this deposition

14

are appearing remotely and have agreed to the

15

witness being sworn in remotely. Due to the

16

nature of remote reporting, please pause

17

briefly before speaking so that all the

18

parties can be heard completely.

19

Our court reporter today is Debbie

20

Dibble, and will now swear in our witness.

21

-----

22

JONATHAN M. WINER,

23

having been duly sworn,

24

testified as follows:

25

EXAMINATION

1 Q. (BY MR. MOHAMMEDI) good morning,  
2 Mr. Winer.

3 Can you just tell me your name, full  
4 name?

5 A. My full name?

6 Q. Can you mention your full name for me?

7 A. Yes, my full name is Jonathan Manuel  
8 Winer.

9 Q. And what is your age?

10 A. I'm 67.

11 Q. And date of birth?

12 A. June 21st, 1954.

13 Q. Have you ever been deposed before this  
14 deposition before?

15 A. Yes.

16 Q. Have you ever testified in court before?

17 A. Yes.

18 Q. You understand that you are testifying  
19 under penalty of perjury; correct?

20 A. Yes.

21 Q. And you know that if you answer any of my  
22 questions, it will have to be verbal; correct?

23 A. I could not hear you.

24 Q. Any of your answers will have to be  
25 verbal. Yes and no.

1 A. Yes.

2 Q. So would you be able to ask me if you  
3 don't understand anything in my questions?

4 A. Yes.

5 Q. Because if you don't let me know, I  
6 assume you understand the question. Correct?

7 A. Yes.

8 Q. Anything about today that makes it a bad  
9 day to testify?

10 A. No.

11 Q. Ever been involved in litigation or any  
12 court action before as a party?

13 A. As a party. Yes.

14 Q. Can you explain, were you a defendant or  
15 were you a plaintiff?

16 A. I was plaintiff.

17 Q. What type of case?

18 A. Divorce.

19 Q. I really cannot hear you very well, so if  
20 you could keep up your voice, that would be great.

21 A. Divorce.

22 Q. Have you ever been deposed before as an  
23 expert?

24 A. Yes.

25 Q. How many times?



1 A. I'm not sure.

2 Q. Approximately.

3 A. A couple. Perhaps two, three, four.

4 Q. And when did that start, do you know?

5 When did you start being -- either  
6 testifying in court as an expert, the date. Do you  
7 have any time?

8 A. It would have been in the 00s, 2002 or  
9 '3, roughly.

10 Q. So since 2002 to today you have testified  
11 before the court two or three times?

12 A. Let me think for a minute, please.

13 Q. Sure.

14 MR. HAEFELE: Object to the form.

15 A. Twice that I can think of before a judge.

16 Q. (BY MR. MOHAMMEDI) Twice. Okay. Can we  
17 enter into exhibit 1 that is your -- that we sent to  
18 you? I'm not sure exactly the number that we want  
19 to start from.

20 (Winer Deposition Exhibit 895, Notice  
21 of Deposition of Jonathan M. Winer,  
22 was marked for identification.)

23 Q. (BY MR. MOHAMMEDI) Great. That's good.

24 Mr. Winer, have you seen this document?

25 A. I'm not sure.

1 Q. (BY MR. MOHAMMEDI) Did they submit  
2 reliance material, did they?

3 John Marks would submit his reliance  
4 material. Did you --

5 MR. HAEFELE: Object to the form.

6 Q. (BY MR. MOHAMMEDI) Did you review the  
7 reliance materials that John Marks submitted in his  
8 report?

9 MR. HAEFELE: Objection to form,  
10 foundation.

11 A. I reviewed all the audit material that  
12 was made available to me, and my conclusions about  
13 that audit material were provided in my rebuttal  
14 report.

15 Q. (BY MR. MOHAMMEDI) And is that fair to  
16 say, based on his statement in his report?

17 A. I looked at the statements in his report.  
18 I looked at the audit material. I asked if there  
19 was any additional audit material, and I expressed  
20 my concern that there was a lot of material that was  
21 still missing.

22 Q. Okay. Which questions relating to the  
23 involvement of charities in international terrorism  
24 finance in the period leading up to 9/11 attacks  
25 were you asked to opine on?

1                   This is -- as a matter of fact, this is a  
2   question you pose at the beginning of each numbered  
3   section in your report.

4                   MR. HAEFELE:   Objection to form.

5           A.       Speaking generally, and I can't speak  
6   with more precision than this, the sections four  
7   through 18 reflected the questions that I was asked  
8   to provide my opinion on.

9                   And I did my best to do that.

10          Q.       (BY MR. MOHAMMEDI)   So do those questions  
11   form the scope of you will be giving an opinion.  
12   Where does call for your opinion?

13          A.       Yes.

14          Q.       They will discover your opinion.   Okay.

15                   Who assigned you the topics?

16          A.       Motley Rice.   Mr. Haefele.

17          Q.       Okay.   Did you write about any topics  
18   that were not assigned to you?

19                   MR. HAEFELE:   Objection to form.

20                   Don't answer that question.   You're getting  
21                   into communications that are beyond what we've  
22                   agreed that -- the parties have agreed --

23                   MR. MOHAMMEDI:   I'm not asking him to  
24                   give me information, I'm asking him to say  
25                   "yes" or "no."   The question is "yes" or "no."

1 MR. HAEFELE: I'm instructing him not  
2 to answer questions that relate to the  
3 communications that he's had with counsel for  
4 the plaintiffs.

5 MR. MOHAMMEDI: Robert, I am not  
6 going into the question of communication, I'm  
7 asking him --

8 MR. HAEFELE: You just asked him --

9 MR. MOHAMMEDI: If he relied, if he  
10 express opinion that were not assigned to him.  
11 And the question -- the answer, he just "yes"  
12 or "no."

13 MR. HAEFELE: All right. So the  
14 question, just so we're clear, the question is  
15 did you answer any questions that were not  
16 posed to you?

17 A. No. If that's the question, the answer  
18 is no.

19 Q. (BY MR. MOHAMMEDI) Okay. So are all of  
20 the opinions you expect to provide in this case set  
21 forth in your affirmative and rebuttal reports?

22 A. Those are the questions that I've been  
23 asked and those are the responses I've given, that's  
24 correct.

25 Q. And I think the question is a little

1 different. Are all of the opinions you provide in  
2 this case were set forth in your affirmative report  
3 as well as your rebuttal report?

4 MR. HAEFELE: Objection to form.

5 A. I reserved the right in both reports to  
6 provide additional responses as appropriate based on  
7 additional information that I learn. And I  
8 maintained that in, I believe, some formulation of  
9 that in each of the reports.

10 Q. (BY MR. MOHAMMEDI) Okay. I'm talking  
11 about your submission of the report. Those opinions  
12 are really the opinions that you express within your  
13 report at the time of submission of your report and  
14 your rebuttal report; correct?

15 MR. HAEFELE: Objection to form.

16 A. Yes.

17 Q. (BY MR. MOHAMMEDI) What areas are you  
18 testifying as an expert in this case?

19 MR. HAEFELE: Objection, form.

20 A. You're asking me to recapitulate the  
21 areas that I'm testifying about?

22 Q. (BY MR. MOHAMMEDI) Yes. Yes.

23 A. Al-Qaeda and its funding needs pre-9/11;  
24 Saudi Arabia as a source of funds for al-Qaeda  
25 terrorism to 9/11; charities as a source of funds

1 very different, as well as a number of statements  
2 and other information.

3 Charities like the Canada charity are at  
4 minimum at risk of losing, immediately, their  
5 accreditation as a charity if they declare any  
6 purpose that is outside the legitimate purpose of a  
7 charity. Terrorism is not a legitimate purpose of a  
8 charity anywhere. And since terrorism is not a  
9 legitimate purpose --

10 Q. You are --

11 A. -- charities are not going to be in a  
12 position that they're engaged in supporting  
13 terrorism.

14 Q. So you are equating -- you are equating  
15 lack of transparency, right, of a charity's record  
16 to terrorism; correct? Is that what you are doing?

17 MR. HAEFELE: Objection to form.

18 A. No, that's not correct.

19 Q. (BY MR. MOHAMMEDI) That's exactly what  
20 you're doing.

21 MR. HAEFELE: Objection to form,  
22 argumentative.

23 Q. (BY MR. MOHAMMEDI) Let me ask you  
24 another question. Was TWRA designated?

25 A. I beg your pardon?

1 Q. Was TWRA designated?

2 A. I believe it was out of business by the  
3 time --

4 Q. My question, was it designated?

5 MR. HAEFELE: Objection to form,  
6 misleading.

7 A. TWRA has not been designated by the  
8 United States government or by the UN as providing  
9 terrorist finance.

10 MR. MOHAMMEDI: Okay. Can we take  
11 five minutes' break, please?

12 THE VIDEOGRAPHER: We are going to go  
13 off the record at 6:40 p.m.

14 (Recess taken, 6:40 p.m. to  
15 6:54 p.m. EDT)

16 THE VIDEOGRAPHER: Back on record at  
17 6:54 p.m.

18 MR. HAEFELE: 6:54, David?

19 Before we went off, there was an  
20 exchange where the witness got cut off in his  
21 answer. The question was, my question was --  
22 quote: My question, was it designated -- the  
23 witness was TWR designated? I believe it was  
24 out of business by that time is the answer.  
25 He got cut off again by Mr. Mohammedi when he

1           was saying: My question wasn't designated.

2           And I think that Mr. Winer has indicated --

3                   You know, I read the transcript and  
4           it's clear that he was cut off. I think  
5           Mr. Winer needs to finish answering that  
6           question.

7                   MR. MOHAMMEDI: Just for the record,  
8           I was -- my question was if TWRA was  
9           designated and I was asking the question.

10                  MR. HAEFELE: And he was answering  
11           the question when you cut him off.

12           A.     It was out of business at the time the  
13   U.S. was designating charities for terrorist  
14   finance, so it could not be designated or would not  
15   be designated because it was no longer in operation  
16   at that time. It was the same issue with the Rabita  
17   Trust. Rabita Trust.

18           Q.     (BY MR. MOHAMMEDI) Is TWRA, can you  
19   just -- sorry, strike that.

20                   Do you have any facts to show that TWRA  
21   gave any material support to 9/11?

22                   MR. HAEFELE: And just so I'm clear,  
23   Omar, are you saying TWRI or --

24                   MR. MOHAMMEDI: TWRA.

25                   MR. HAEFELE: The last letter is A.



1 MR. MOHAMMEDI: A.

2 A. I didn't hear the last part of the  
3 sentence. Please repeat it.

4 Q. (BY MR. MOHAMMEDI) Does TWRA have any  
5 connection for support to 9/11? Did it have any  
6 support?

7 MR. HAEFELE: Object to the form.

8 A. It depends on how you define 9/11. If  
9 you're saying did it have any connection to the  
10 \$500,000 provided for the immediate logistics for  
11 9/11, certainly not.

12 As part of the array of charities that  
13 provided military support for combatants, in the  
14 name of Islam, in the -- what I call the ABC wars,  
15 Afghanistan, Bosnia, Chechnya, it was not limited to  
16 that. The answer is I believe it did provide  
17 material support for the training of the Islamic  
18 resistance, which was in turn part of what al-Qaeda  
19 relied on as part of the chain of events that led to  
20 9/11.

21 Q. (BY MR. MOHAMMEDI) And you are basing  
22 this statement on a Bosnian war where the Bosniaks  
23 were subjected to genocide; correct?

24 MR. HAEFELE: Objection to the form.

25 A. The Bosniaks were not the only group that

1 your report, and it's Exhibit 899, which I think was  
2 marked yesterday. But it's also at the end of your  
3 report, page 15. I want to direct your attention to  
4 an item on page 15 and two items on page 16.

5 It states in the reliance chart that you  
6 rely on July 12th, 1999 letter from the main  
7 regional office of the IITO -- I assume that's a  
8 typo -- in Peshawar, Pakistan.

9 And then I direct your attention on  
10 page 16 to a March 20, 2000 letter from the general  
11 director of the MWL's branch office in Pakistan, and  
12 the May 13th, 1999 letter from the main regional  
13 office of the IIRO in Pakistan.

14 Sir, are you aware that those three  
15 documents were excluded from the case by court order  
16 because of questions raised with respect to their  
17 provenance and authenticity?

18 MR. HAEFELE: Objection. Eric, we've  
19 covered this in the previous depositions.

20 We've covered this. These are not documents  
21 that any of our experts are using.

22 MR. LEWIS: Please don't answer the  
23 question. I'm just trying to establish it was  
24 a record. It's in his list.

25 MR. HAEFELE: But it's misleading

1           because all of the defendants' counsel have  
2           all understood and recognized and we've had  
3           this dialogue, and it's misleading to go down  
4           this path to make a supposition that doesn't  
5           exist.

6                     MR. NASSAR: Robert, this is Waleed  
7           Nassar. It's absolutely not misleading. We  
8           asked for a stipulation on this, you did not  
9           provide it, and so we have to ask every one of  
10          your experts, as we told you we would. It is  
11          absolutely not misleading.

12                    MR. HAEFELE: But we've made the  
13          representation to you that none of them are  
14          relying upon those particular documents.

15                    MR. LEWIS: I've got a document from  
16          a witness that says he is. If he didn't, he  
17          can say so. I don't need your testimony --

18                    MR. HAEFELE: No, you have a document  
19          from the witness that basically we put  
20          together, like all of your defense experts  
21          have had your reliance documents considered  
22          list put together by you, that indicates that  
23          this is among the documents that we provided  
24          that -- the witness, and it is because it was  
25          part of another document that the witness

1 looked at.

2 MR. LEWIS: Robert, if you want to  
3 testify, we'll have you --

4 MR. HAEFELE: No, I'm not testifying.  
5 This is exactly what we've told you.

6 MR. LEWIS: I'm asking him a  
7 question.

8 MR. HAEFELE: -- that we've had with  
9 your colleagues. You may not have been in the  
10 room, I don't know if you are aware of the  
11 conversation or not, but this is the dialogue  
12 that we have, that Waleed certainly knows, he  
13 understands, I think, that that is the  
14 circumstance.

15 MR. NASSAR: Robert, I asked you very  
16 clearly to provide a stipulation. You never  
17 did, so we have an obligation to ask your --  
18 your witnesses whether they relied on three  
19 documents that were struck from the case. If  
20 you're representing now, on the record, that  
21 he did not rely on that, then I think --

22 MR. HAEFELE: I'm representing now he  
23 did not rely on that.

24 MR. NASSAR: Okay.

25 Q. (BY MR. LEWIS) Okay, Mr. Winer, can you

1 confirm that, please?

2 A. I'm not familiar with any of these three  
3 documents. My reliance material chart was prepared  
4 by the law firm from the materials that I used, the  
5 materials they provided them, but I don't recollect  
6 seeing any of those three documents. I don't know  
7 what's in them. I don't know what they refer to. I  
8 don't believe they've been given to me. If they  
9 have been given to me, I have no memory of them.

10 And I don't know what else there is for  
11 me to say.

12 Q. There's nothing else for you to say.

13 That's all I wanted to ask you.

14 MR. LEWIS: And now I have completed  
15 my questioning, subject to any reexamination  
16 that may be based on other questioning. Thank  
17 you, Mr. Winer.

18 THE WITNESS: Thank you, Mr. Lewis.

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20 EXAMINATION

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22 BY MS. PRITSKER:

23 Q. Are we all set, Mr. Winer? Hi, it's nice  
24 to meet you. My name is Gabrielle Pritsker, and I'm  
25 counsel on behalf of defendant Dubai Islamic Bank.